

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

ORIGINAL  
FILE

OFFICE OF  
MANAGING DIRECTOR

~~SEP 1 1992~~  
SEP 1 1992

ORIGINAL  
FILE

Michael Couzens, Esquire  
385 Eighth Street  
Second Floor  
San Francisco, California 94103

Dear Mr. Couzens:

This is in response to your request for refund of the hearing fee submitted by Dragonfly Communications, Inc. (Dragonfly), former applicant for a new FM station at Healdsburg, California.

Dragonfly's application was dismissed by the presiding Administrative Law Judge in the proceeding to select the licensee for the new station at Healdsburg for failure to file a Notice of Appearance.

Section 1.1111(b)(2) of the Commission's rules states that a hearing fee will be returned whenever an applicant fails to file a Notice of Appearance. 47 C.F.R. § 1.1111(b)(2).

Accordingly, a check for \$6,760.00, payable to the original maker of the check, will be forwarded to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,

*Marilyn J. McDermott*

Marilyn J. McDermott  
Associate Managing Director  
for Operations

92-111/

RECEIVED

LAW OFFICES

MICHAEL COUZENS

385 EIGHTH STREET - SECOND FLOOR  
SAN FRANCISCO, CALIFORNIA 94103

TELEPHONE  
(415) 621-4030

TELEX NO. 9102400363  
TELECOPIER (415) 626-5788

ADDITIONAL  
MAILING ADDRESS:

P.O. BOX NO. 33127  
WASHINGTON, DC 20033

July 28, 1992

Managing Director  
Room No. 452  
Federal Communications Commission  
1919 M Street N.W.  
Washington, D.C. 20554

Re: Hearing Fee Refund  
Dragonfly Communications, Inc.  
BPH-910211MB

Dear Managing Director:

On behalf of Dragonfly Communications, Inc. ("Dragonfly"), this will request the refund of the hearing fee, in the amount of \$6,760.00, tendered in conjunction with the above application.

On March 6, 1992, the applicant wrote, stating that it had decided not to prosecute, and requesting that its application be dismissed.

Upon designation, Dragonfly did not enter any appearance in the case.

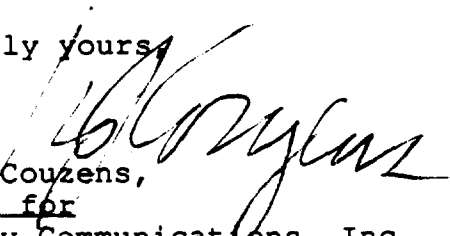
Once the time for filing an appearance had passed, the Administrative Law Judge dismissed Dragonfly's application for failure to prosecute on July 16, 1992 (FCC 92M-782, copy enclosed).

Applicants who pay the hearing fee before designation are entitled to a refund, under the Rules and Regulations when, as here, the application is dismissed "for failure to file a Notice of Appearance. . . ." Sec. 1.1111(c)(2) of the Rules.

Please make the refund check to the applicant, or to Michael Couzens, Esq., attorney-client trust account.

If there are any questions with respect to this request, please telephone the undersigned.

Very truly yours,

  
Michael Couzens,  
Attorney for  
Dragonfly Communications, Inc.

Approved by OMB  
3060-0440  
Expires 12/31/90

FEDERAL COMMUNICATIONS COMMISSION  
**FEE PROCESSING FORM**

FOR  
FCC  
USE  
ONLY

Please read instructions on back of this form before completing it. Section I **MUST** be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

**SECTION I**

APPLICANT NAME (Last, first, middle initial)

Dragonfly Communications, Inc.

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to instruction (2) on reverse of form)

10998 Peaks Pike

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY

Sebastopol

STATE OR COUNTRY (if foreign address)

CA

ZIP CODE

95472

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

RPH - 910211MA

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE  
(if required)

FEE DUE FOR FEE TYPE  
CODE IN COLUMN (A)

FOR FCC USE ONLY

(1)

M W R

\$ 6,760.00

**SECTION II** — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)  
FEE TYPE CODE

(B)  
FEE MULTIPLE  
(if required)

(C)  
FEE DUE FOR FEE TYPE  
CODE IN COLUMN (A)

FOR FCC USE ONLY

(2)

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(3)

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(5)

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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED  
WITH THIS APPLICATION  
OR FILING

\$ 6,760.00

FOR FCC USE ONLY

RECEIVED

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

AUG 3 11 23 AM '92

FCC 92M-782

93547

In re Applications of	)	MM DOCKET NO: 92-111
	)	
DEAS COMMUNICATIONS, INC.	)	File No. BPH-910208MB
	)	
DRAGONFLY COMMUNICATIONS, INC.	)	File No. BPH-910211MA
	)	
HEALDSBURG BROADCASTING, INC.	)	File No. BPH-910211MB
	)	
BECKWITH COMMUNICATIONS, INC.	)	File No. BPH-910211MI
	)	
DESERT ROCK LIMITED PARTNERSHIP	)	File No. BPH-910211ML
	)	
HEALDSBURG EMPIRE CORPORATION	)	File No. BPH-910212MM
	)	
For Construction Permit for a	)	
New FM Station on Channel 240A	)	
in Healdsburg, California	)	

**MEMORANDUM OPINION AND ORDER**

Issued: July 14, 1992; Released: July 16, 1992

1. Under consideration are Motion to Dismiss, filed June 9, 1992 by Desert Rock Limited Partnership; Petition for Leave to Amend, filed June 11, 1992 by Healdsburg Broadcasting, Inc.; Petition for Leave to Amend, filed June 19, 1992 by Healdsburg Empire Corporation; Petition for Leave to Amend, filed June 19, 1992 by Healdsburg Broadcasting, Inc.; Motion for Leave to File Information for the Record, filed June 19, 1992 by Healdsburg Empire Corporation; and Petition to Enlarge Issues, filed June 19, 1992 by Healdsburg Broadcasting, Inc.

**Desert Rock's Motion to Dismiss**

2. Desert Rock moves to dismiss its application. In addition, Dragonfly and Beckwith have not filed notices of appearance or standard integration statements and their applications will be dismissed for failure to prosecute. Desert Rock, Dragonfly and Beckwith's applications will be dismissed with prejudice.

ACCORDINGLY, IT IS ORDERED that the motion to dismiss, filed June 9, 1992 by Desert Rock Limited Partnership (File No. BPH-910211ML) IS GRANTED and Desert Rock's application IS DISMISSED WITH PREJUDICE and IS DELETED from the caption.

IT IS FURTHER ORDERED that the applications of Dragonfly Communications, Inc. (File No. BPH-910211MA) and Beckwith Communications, Inc. (File No. BPH-910211MI) ARE DISMISSED WITH PREJUDICE and ARE DELETED from the caption.

IT IS FURTHER ORDERED that the petition for leave to amend, filed June 19, 1992 by Healdsburg Broadcasting, Inc. IS DENIED, the amendment IS REJECTED, and HBI has until July 22, 1992 to show cause why its application should not be dismissed.

IT IS FURTHER ORDERED that the petition for leave to amend, filed June 11, 1992 by Healdsburg Broadcasting, Inc. IS GRANTED and the amendment IS ACCEPTED.

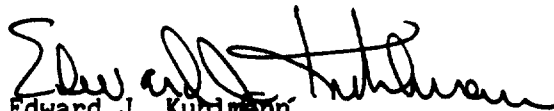
IT IS FURTHER ORDERED that the petition for leave to amend, filed June 19, 1992 by Healdsburg Empire Corporation IS GRANTED and the amendment IS ACCEPTED.

IT IS FURTHER ORDERED that Issue 2 as it applies to Healdsburg Empire Corporation IS ELIMINATED.

IT IS FURTHER ORDERED that the motion for leave to file information for the record, filed June 19, 1992 by Healdsburg Empire Corporation IS DENIED and the information IS REJECTED.

IT IS FURTHER ORDERED that the petition to enlarge issues, filed June 19, 1992 by Healdsburg Broadcasting, Inc. IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Edward J. Kuhlmann  
Administrative Law Judge